

REMARKS

I. Status Of The Claims

Claims 1-44 are pending in this Application.

Claims 1, 4, 5, 8, 11, 13, 14, 18, 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tracton (U.S. Patent No. 6,470,378).

Claims 6, 7, 10, 12, 15, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton.

Claims 16, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Walker (U.S. Patent No. 6,263,505).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Ishii (U.S. Patent No. 6,175,739).

Claims 9, 26-28, 32-37, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer (U.S. Patent No. 6,637,027).

Claims 29-31, 38-40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer and Walker.

With this response, claims 24 and 36 are cancelled without prejudice or disclaimer, claims 13, 14, 16, 17, and 30 are amended, and new claims 45-56 are added.

II. Rejections of Independent Claims 1, 13, and 27

The Examiner has rejected independent claims 1 and 13 under 35 U.S.C. 102(e) as being anticipated by Tracton, and has rejected independent claim 27 under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer.

Turning to the rejection of independent claims 1 and 13, Applicants respectfully submit that Tracton fails to disclose all aspects of these claims.

For example, Tracton fails to disclose “[a] method of mobile multimedia terminal interactivity” comprising “optimizing [a] data signal for output; and presenting said optimized signal as output”, wherein the data signal is “receiv[ed] ... from [a] digital service provider over the air” as stated by independent claim 1.

As another example, Tracton fails to disclose “[a] mobile multimedia terminal” comprising “at least one receiver connected to receive over the air data signals” and “a display interface connection to a media decoder to optimize ... received over the air data signals for display” as stated by independent claim 13.

Turning to the rejection of independent claim 27, Applicants respectfully submit that Tracton and Breslauer, taken individually or in combination, fail to disclose, teach, or suggest all aspects of the claim.

For example, Tracton and Breslauer, taken individually or in combination, fail to disclose, teach, or suggest “... a mobile multimedia terminal which includes ... a display interface connected to [a] media decoder to optimize ... received data for display”, wherein the received data was “transmit[ted] ... over a broadcast channel”.

The Examiner argues that the above-noted aspects of claims 1, 13, and 27 are disclosed at column 6 line 60 – column 8 line 55, and figures 4 and 5 of Tracton.

Applicants, finding no disclosure, teaching, or suggestion of the above-noted aspects of claims 1, 13, and 27 in Tracton, respectfully disagree. Further, Applicants note that the Examiner’s characterization of column 6 line 60 – column 8 line 55, and figures 4 and 5 of Tracton fails to indicate the above-noted aspects of claims 1, 13, and 27, and instead states:

“... a server 302 retrieves requests from client devices, the client devices also inform the server of the client device’s bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device...”

(see present office action page 2, with similar statement at pages 3 and 10) .

Applicants respectfully observe that Tracton fails, for instance, to disclose, teach, or suggest optimization being performed at a terminal, and instead discloses a “server [that] receives a request 56 for data from the client. In response, the server automatically responds with a capability-tailored reply 58” (see Tracton col. 3 ln. 41-43).

In view of at least the foregoing, Applicants respectfully submit that independent claims 1, 13, and 27, as well as those claims that depend therefrom, are in condition for allowance.

III. Amendment of Specification, Fig. 2, and Claims 13, 14, 16, 17, and 30, and Addition of New Claims 45-56

With this response, the Specification, Fig. 2, and claims 13, 14, 16, 17, and 30 have been amended to correct typographical errors.

Further with this response, new claims 45-56 are added.

No new matter has been introduced.

IV. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and

appropriate

V. Official Notice Taken by Examiner

In several instances, the Examiner has taken Official Notice.

For example, the Examiner takes Official Notice that “turning a receiver on and off depending on a communications environment, such as when a scheduled program is to be broadcast or a file downloaded, is well known in the art”.

As another example, the Examiner takes Official Notice that “the use of a wireless LAN is well known in the art, and selecting an interface for transmission when multiple interfaces are available is well known”.

As yet another example, the Examiner takes Official Notice that “the use of a wireless LAN to provide data signals is well known in the art”.

As still another example, the Examiner takes Official Notice that “the use of 802.11 to transmit data to and from a mobile device, including Internet content is well known in the art”.

With regard to each Official Notice taken by the Examiner, Applicants respectfully submit that they do not believe the indicated matter, at least at the time of filing of the present application, to have been “common knowledge”, “well known in the art”, or the like.

Applicants respectfully disagree with each Official Notice taken by the Examiner, and hereby seasonably traverse each Official Notice taken by the Examiner in accordance with MPEP, section 2144.03. Accordingly, Applicants respectfully request that the Examiner withdraw the Official Notices or provide supporting evidence.

VI. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

VII. Authorization

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4006US1. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**


Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: July 26, 2004

By:



Angus R. Gill
Registration No. 51,133

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 415-8746
(212) 751-6849 (Fax)